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U.S. Patent Application Serial No. 10/510,464
Reply to Office Action dated November 19, 2007

Remarks:

Applicant has read and considered the Office Action dated November 19, 2007 and the references cited therein. Claims 1-5 and 7-19 have been amended. Claim 6 has been cancelled without prejudice or disclaimer. Claims 1-5 and 7-19 are currently pending. Reconsideration and reexamination are hereby requested.

In the Office Action, claims 15-19 were objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claims, amend the claims, to place the claims in proper dependent form, or rewrite the claims in independent form. Claims 15 and 19 have been rewritten in independent form. Applicant asserts that the objection has been overcome and requests that it be withdrawn.

Claims 1-14 and 19 were rejected under 35 U.S.C. § 102(b or e) as being anticipated by Chen, Giese et al., Jimbo et al. or Tiramani. Alternatively, claims 1-14 and 19 were rejected under 35 U.S.C. § 103 as being obvious over Chen, Giese et al., Jimbo et al., or Tiramani. The Office Action states that each reference teaches a structure on which the packaging and display box and the display chests of claim 19 reads. The Office Action states that the container in each reference has an insert provided with at least one cavity and at least one cell, the insert being inherently capable of receiving at least one plate and at least one screw, as functionally recited in the claims. The Action states that the container in each reference can also be considered as being "fitted with compartments" as recited in claim 19. The Action states that each compartment appears to be inherently capable of the function of receiving a protective unit having the elements of claim 18.

Applicant respectfully traverses the rejection. Claim 1 has been amended and recites a packaging and display box which now further recites that the box includes a heat-sealable film enclosing the storage space. Applicant asserts that this is neither shown nor suggested by any of

U.S. Patent Application Serial No. 10/510,464
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the cited references or any combination thereof. Moreover, the recited packaging and display box for an osteosynthesis kit provides non-obvious advantages over the cited prior art or any combination thereof. Applicant notes that osteosynthesis kits are used for supplying plates and screws for maxillo-facial surgery that typically requires two plates and four screws. Moreover, as it is difficult to ascertain the particular size and type of screw or plate that may be used, multiple sets are made available at the surgery. Each of these elements must be sterilized for potential use in the surgery and once they have been opened and exposed, whether they are used, picked up or even selected, these exposed elements must be re-sterilized for potential use. The typical surgery therefore has multiple sets of plates and screws of different sizes and/or configurations that are contaminated and must be sterilized leading to inefficiencies due to re-sterilization.

The present invention provides a movable lid portion over a heat sealable film that makes it possible to view the batches of screws and plates prior to use without deteriorating or opening the heat sealable film. Therefore, the plates and screws can be viewed without compromising sterility of the plates and screws. It can be appreciated that when surgery is finished, only those batches of plates and screws that have been in the opened cases must be reconditioned or re-sterilized. Those sets of plates and screws for which the case is not opened and sterility is maintained may be used immediately. Such flexibility and increased ease in review of components without comprising sterility is not possible with any of the prior art or any combination thereof. The present invention uses a heat sealable film that guarantees sterility combined with a movable lid that provides mechanical protection and integrity of the plastic film along with inserts that allow different plates and screws to be used with the same kit. Applicant asserts that claim 1 recites a packing display box for an osteosynthesis kit that is neither shown nor suggested by the prior art or possible with any combination of prior art. Applicant asserts that claim 1 and the claims depending therefrom are in condition for allowance.

U.S. Patent Application Serial No. 10/510,464
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allowable. Claims 16-18 depending therefrom, would also be allowed. Applicant thanks the Examiner for the indication of allowable subject matter. Claim 15 has been rewritten in Independent form and is believed to overcome the objections raised in the Office Action and is believed to be in condition for allowance.

Claim 19 has also been amended as an independent claim that includes the features of claim 15. Applicant asserts that claim 19 is also allowable for at least the same reasons discussed above with regard to claim 15.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

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PATENT TRADEMARK

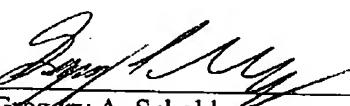
Respectfully submitted,

MERCHANT & GOULD P.C.

Dated:

3/19/08

By:


Gregory A. Sebald
Reg. No. 33,280
GAS/krm